

REMARKS

This Amendment is responsive to the Final Office Action dated February 3, 2006, and the Advisory Action of August 16, 2006, and is being filed in conjunction with a Request for Continued Examination (RCE) and a Petition to Revive, both attached hereto. Applicants respectfully submit that this amendment should be entered because Applicants believe it places the pending claims in condition for immediate allowance or removes issues for appeal.

I. Interview with Examiner DeJong

Applicants thank Examiner DeJong for the courtesies extended during the telephone interview on August 22, 2006, with Applicants' attorney, Nanda Kumar. The prior art of record, claim rejections and proposed amendments were discussed during the interview.

II. Status of Claims

Claim 11 is pending in this application and this claim has been rejected under 35 U.S.C., § 102(b). Claim 11 has been amended to clarify the invention. No new matter is added.

III. Rejection Under 35 USC § 102

Claim 11 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Lipshutz et al. 1999, Nature Genetics Supplement, 21:20-24 ("Lipshutz") in light of Smith et al., U.S. Patent 6,372,249 ("Smith"). This rejection is respectfully traversed.

The Advisory action notes that claim 11 is anticipated by Lipshutz in light of Smith because "Lipshutz sets forth the synthesis and construction of whole genome oligonucleotide arrays containing approximately 40,000 human genes and ESTs representative of the humane genome, and Smith et al. is further relied upon in the rejection to demonstrate that the whole genome array of Liptshutz et al. comprises oligonucleotides representative of genes that meet the classification requires of (1) to (9) as instantly claimed."

Applicant respectfully submits that LipShutz fails to teach each of the limitations of Claim 11 and maintains its arguments presented in the amendment filed with the Patent Office on August 3, 2006 in response to the Office Action of February 3, 2006, which arguments are incorporated herein by reference. Notwithstanding, in view of the clarifying amendments presented herein in an effort to expedite the prosecution of the present

application, the claimed oligonucleotide array is further structurally distinguishable from the cited prior art (Lipshutz in light of Smith) as required by MPEP § 2114.

Specifically, Lipshutz does not disclose “wherein said oligonucleotides are only biological stress related genes or complementary sequence to said genes” as recited in presently amended claim 11. See the specification, for example, at page 9, lines 2-10 and page 11, lines 4-9.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

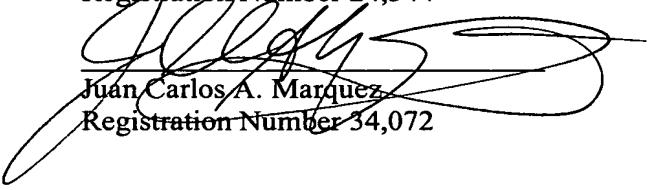
IV. Conclusion

Applicant believes this response to be a full and complete response to the Office Action. Accordingly, favorable reconsideration in view of this response and allowance of the pending claim(s) are earnestly solicited.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the present application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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